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CERTIFICATE OF TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the attention of Examiner 1. Roark, Group Art Unit 1644, U.S. Patent and Trademark Office to Facsimile No. 703-746-5174 on January 11, 2002.

fargaret M. Hasson

Signature

Docket No.: PF-0187-2 DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Bandman et al.

Name

Title:

NOVEL SUBUNITS OF NADH DEHYDROGENASE

Serial No.:

09/726,899

Filing Date:

November 29, 2000

Examiner:

Roark, J.

Group Art Unit: 1644

Commissioner for Patents Washington, D.C. 20231

DECLARATION OF TIMELY SUBMISSION AND RESUBMISSION OF DOCUMENTS

Dear Sirs:

This paper is being submitted to certify timely submission as specified in 37 CFR §1.8 and resubmit documents for prosecution of the above-identified U.S. patent application.

I, Richard C. Ekstrom, Attorney of Record in the above-identified patent application, hereby certify that on November 7, 2001 the following correspondence deposited with the United States Postal Service, as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, and certified as such as specified in 37 CFR §1.8, as evidenced on the certificates of first-class mailing at the beginning of each document, of which a copy is being submitted herewith:

- 1. Response to Office Action Transmittal Fee Sheet (1 pg., in duplicate);
- 2. Response to Office Action (18 pp.);
- 3. Petition for Extension of Time (1 pg., in duplicate); and
- 4. Return Receipt Postcard.

This is a copy of correspondence that was mailed to the United States Patent and Trademark Office on November 7, 2001. This correspondence has not been received as of January 11, 2002. Please enter this correspondence as being timely filed.

Respectfully submitted,

INCYTE GENOMICS, INC.

3160 Porter Drive

Palo Alto, California 94304

Phone: (650) 855-0555 Fax: (650) 845-4166

Richard C. Ekstrom Reg. No. 37,027

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Received from < 650 845 4166 > at 1/11/02 2:38:05 PM [Eastern Standard Time]

NO. 2691

Commissioner for Patents Washington, D.C. 20231

Mailed: 11/07 /01

Docket No.: PF-0187-2 DIV

Applicants:

Bandman et al. 09/726.899

Serial No.: Filing Date:

November 29, 2000

Title: NOVEL SUBUNITS OF NADH DEHYDROGENASE

Enclosed are the following:

1. Return Postcard:

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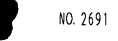
3. Petition for Extension of Time (1 pg., in duplicate); and

4. Response to Office Action (18 pp., in duplicate).

RCE:SKS:efd



Incyte Genomics, Inc. Legal Department 3160 Porter Drive Palo Alto, CA 94304



111162 DM



FAX

Legal Department 3160 Porter Drive Palo Alto, CA 94304 (650) 855-0555 fax (650) 845-4166 or (650) 849-8886

DATE:

January 11, 2002

TO:

Examiner J. Roark

COMPANY:

United States Patent and Trademark Office

FAX NO.:

703-746-5174

TELEPHONE NO.:

703-605-1209

FROM:

Richard C. Ekstrom

Reg. No. 37,027

Direct Dial No. 650-843-7352

OUR REF. NO.:

PF-0187-2 DIV

YOUR REF. NO.:

09/726,899

PAGES:

Twenty-five (25)

Please see the attached resubmission of documents which were originally mailed on November 7, 2001.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Bandman et al.

Title:

NOVEL SUBUNITS OF NADH DEHYDROGENASE

Serial No.:

09/726,899

Filing Date:

November 29, 2000

Examiner:

Roark, J.

Group Art Unit:1644

Commissioner for Patents Washington, D.C. 20231

Sir:

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	RESPON	SE '	TO OFFICE	AC	TION TRA	<u>NSMI</u>	TTAL F	EE SHEET	of acces	
Trans	mitted herewith	are	the following	g for	the above-	identific	d applic	ation:	Jul 10/	
2. Re 3. Pe	ensmittal Fee S esponse to Officition for Exter the has been calc	ce A ision	ction (18 pp.	, in c og., i	luplicate): n duplicate))		W	sheat accepted con = 1/1/01 Malher	
Claims	Claims After Amendment		Claims Previously Paid For	=	Present Extra		r Than Entity Fee	Additional Fee(s)	Marcel	
Total Claims	14	Ŀ	20	=	0	518		SO		
Indep. Claims	1	-	3		0	S84		\$0		
First Presentation of Multiple Dependent Claim							280	50		

TOTAL

\$<u>0</u>

No additional fee is required.

Fee for Request for Extension of Time (3 months)

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Please charge Deposit Account No. 09-0108 the amount of

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17, or credit overpayment to Deposit Account No. 09-0108. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

INCYTE GENOMICS, INC.

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